



PATENT

DPC  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Scott Loughmiller et al.  
Title: DYNAMIC MESSAGE FILTERING  
Application No.: 10/678,602 Filed: October 3, 2003  
Examiner: Omar F. Fernandez Group Art Unit: 2129  
Rivas  
Atty. Docket No.: 127-0016 Confirmation No.: 6146

May 31, 2007

Mail Stop Petition  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition to Revive Unintentionally Abandoned Application**  
**(37 C.F.R. § 1.137(b))**

Applicant respectfully petitions under 37 C.F.R. § 1.137(b) to revive the above-identified Application and cause same to proceed to issue.

1. Included herewith is a Response to Notice to File Corrected Application Papers (the "**Reply**") which constitutes Applicants' reply to the outstanding Notice to File Corrected Application Papers. Note that the issue fee and publication fee (\$1,700.00) were previously paid on December 20, 2006.
2. The petition fee set forth in 37 C.F.R. § 1.17(m) (the "**Petition Fee**") (\$1500) is enclosed herewith.
3. The entire delay in filing the Reply from the due date thereof through its submission (herewith) and the filing of this grantable petition was **unintentional**.
4. As the Application is a utility application filed on or after June 8, 1995, no terminal disclaimer is required.

Payment of the Petition Fee is as follows:

- ☒ A check is enclosed for the Petition Fee shown above.  
☐ Please charge the Petition Fee shown above to Deposit Account 50-0631.  
☐ Please charge the Petition Fee shown above to credit card (Form PTO-2038 enclosed).

06/05/2007 HGUTEMA1 00000014 10678602

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1500.00 OP

- 1 -

petition to revive unintentionally abandoned app

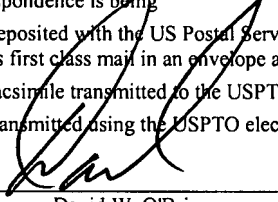
Application No.: 10/678,602

- ☒ The Director is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or 1.17 that may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

**CERTIFICATE OF MAILING OR TRANSMISSION**

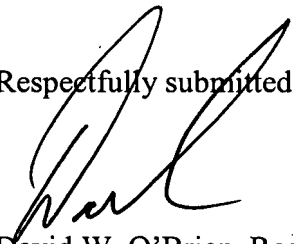
I hereby certify that, on the date shown below, this correspondence is being

- ☒ deposited with the US Postal Service with sufficient postage as first class mail in an envelope addressed as shown above.  
☐ facsimile transmitted to the USPTO.  
☐ transmitted using the USPTO electronic filing system.

  
David W. O'Brien

31-May-07  
Date

Respectfully submitted,

  
David W. O'Brien, Reg. No. 40,107  
Attorney for Applicant(s)  
(512) 338-6314 (direct)  
(512) 338-6300 (main)  
(512) 338-6301 (fax)

EXPRESS MAIL LABEL: \_\_\_\_\_



INTELLECTUAL PROPERTY ATTORNEYS

**ZAGORIN O'BRIEN GRAHAM LLP**

7600B N. CAPITAL OF TEXAS HWY, SUITE 350  
AUSTIN, TEXAS 78731-1191

512-338-6300 (TEL)  
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May 31, 2007

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant: Scott Loughmiller et al.  
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Application No.: 10/678,602 Filed: October 3, 2003  
Examiner: Omar F. Fernandez Rivas Group Art Unit: 2129  
Atty. Docket No.: 127-0016 Conf. No.: 6146

Dear Sir:

Transmitted herewith are the following document(s) in the above-identified application:

- (1) This Transmittal Letter (2 pages);
- (2) Petition to Revive Unintentionally Abandoned Application (37 C.F.R. §1.137(b)) (2 pages);
- (3) Amendment in Response to Notice to File Corrected Application Papers, with a Replacement Sheet for amended Fig. 3 (7 pages);
- (4) Power of Attorney by Assignee of Entire Interest and Change of Correspondence Address (2 pages); and
- (5) Return Postcard.

Fees:

Petition to Revive Unintentionally Abandoned Application (37 C.F.R. §1.137(b))	\$1,500.00
n/a	\$0.00
<b>TOTAL FEE:</b>	<b>\$1,500.00</b>

- ☒ A check is enclosed for the Total Fee shown above.
- ☐ The Total Fee shown above is being paid as directed in an electronic submission of this paper.
- ☐ Please charge the Total Fee shown above to Deposit Account 50-0631.
- ☐ Please charge the Total Fee shown above to credit card (Form PTO-2038 enclosed).
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees and any additional fees under 37 C.F.R. § 1.16 or 1.17 that may be required during the pendency of this application or by the papers submitted herewith, and to similarly credit any overpayment, to Deposit Account 50-0631.

Commissioner for Patents

May 31, 2007

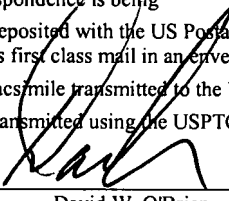
RE: 10/678,602

Page 2 of 2

**CERTIFICATE OF MAILING OR TRANSMISSION**

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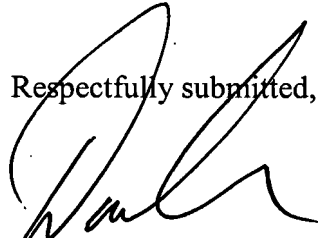
- ☒ deposited with the US Postal Service with sufficient postage as first class mail in an envelope addressed as shown above.  
☐ facsimile transmitted to the USPTO.  
☐ transmitted using the USPTO electronic filing system.

  
David W. O'Brien

31-May-07  
Date

EXPRESS MAIL LABEL: \_\_\_\_\_

Respectfully submitted,



David W. O'Brien, Reg. No. 40,107

Attorney for Applicant(s)

(512) 338-6314 (direct)

(512) 338-6300 (main)

(512) 338-6301 (fax)



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Scott Loughmiller et al.

Title: DYNAMIC MESSAGE FILTERING

Application No.: 10/678,602 Filed: October 3, 2003

Examiner: Omar F. Fernandez Rivas Group Art Unit: 2129

Atty. Docket No.: 127-0016 Confirmation No.: 6146

May 31, 2007

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT IN RESPONSE TO  
NOTICE TO FILE CORRECTED APPLICATION PAPERS**

This paper is responsive to the Notice to File Corrected Application Papers mailed February 23, 2007, after payment of the issue fee. A copy of the Notice is enclosed herewith. The Notice indicates a drawing deficiency for Fig. 3 and requires a replacement sheet. Applicant hereby amends the present application (in compliance with 37 C.F.R. 1.121(d)) and attaches hereto the corrected drawing sheet(s).

*Applicant notes that this amendment is filed after payment of the issue fee consistent with the Offices' Waiver of 37 C.F.R. 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004).*

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings include changes to Fig. 3 and replace the original sheet(s) including such figures.

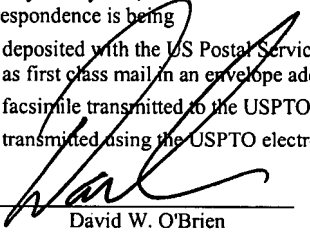
Attachment(s): Replacement Sheet including amended Fig. 3

Applicant respectfully submits that the application is now ready for issue.

**CERTIFICATE OF MAILING OR TRANSMISSION**

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☐ facsimile transmitted to the USPTO.  
☐ transmitted using the USPTO electronic filing system.

  
David W. O'Brien

31-May-07  
Date

  
Respectfully submitted,

David W. O'Brien, Reg. No. 40,107  
Attorney for Applicant(s)  
(512) 338-6314 (direct)  
(512) 338-6300 (main)  
(512) 338-6301 (fax)

EXPRESS MAIL LABEL: \_\_\_\_\_



UNITED STATES PATENT AND TRADEMARK OFFICE

127-0016

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,602	10/03/2003	Scott Loughmiller	240.1001.01	6146

26137 7590 02/23/2007  
PATENT DEPARTMENT  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
FOUR TIMES SQUARE  
NEW YORK, NY 10036

EXAMINER
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FERNANDEZ RIVAS, OMAR F

ART UNIT	PAPER NUMBER
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2129

MAIL DATE	DELIVERY MODE
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02/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Serial No. : 10/678,602  
Applicant : Loughmiller  
Filing Date : 10/03/2003  
Date Mailed : 02/22/07

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

*Nadine Clark*

Office of Patent Publication  
Phone: 703-308-9250, ext.144



Application No. 10/678,602

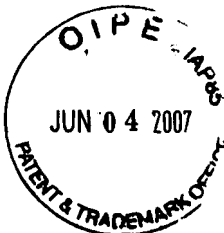
Drawings filed 10/3/03

### IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) \_\_\_\_\_
- ☐ The character of the lines, numbers and letters is poor. FIG(s) \_\_\_\_\_
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) \_\_\_\_\_
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s) \_\_\_\_\_
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) \_\_\_\_\_
- ☐ Figure numbers are duplicated or missing. FIG(s) \_\_\_\_\_
- ☒ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) 3
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) \_\_\_\_\_
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) \_\_\_\_\_
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) \_\_\_\_\_
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.81(u)(1). FIG(s) \_\_\_\_\_
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) \_\_\_\_\_
- ☐ Color drawings are present in this application but the following CFR 1.84 (a) requirements have not been met\*:
  - ☐ Petition filed
  - ☐ Petition fee
  - ☐ 3 sets of color drawings
  - ☐ Color drawing paragraph

\*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS: Please supply replacement sheet



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Scott Loughmiller et al.  
Assignee: Tumbleweed Communications Corp.  
Title: DYNAMIC MESSAGE FILTERING  
Application No.: 10/678,602 Filed: October 3, 2003  
Examiner: Rivas Fernandez Group Art Unit: 2129  
Atty. Docket No.: 127-0016 (formerly Conf. No.: 6146  
Corvigo-001)

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COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(INCLUDING REVOCATION OF PRIOR POWERS)**

Dear Sir:

Assignee of record of the entire interest of the above-identified application hereby revokes all powers of attorney previously given and appoints the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

Registered Patent Practitioners associated with Customer Number  
**50854**

(Zagorin O'Brien Graham LLP / Tumbleweed Communications Corp.)

**CORRESPONDENCE ADDRESS**

Please direct all correspondence concerning this application according to the USPTO Customer Number, if provided below, or otherwise to the individual and/or firm named below:

Customer Number

**22120**

(Zagorin O'Brien Graham LLP)

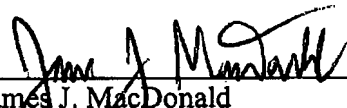
**STATEMENT UNDER 37 CFR § 3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

The assignee, Tumbleweed Communications Corp., seeks to take action in the above-identified patent application. Chain of title from the inventors of the above-identified patent application to the assignee is as follows:

- An assignment from Scott Loughmiller, Mike Olson, Jeff Ready, Ehren Maedge, Phil White, and Jason Collier to Corvigo, Inc. is recorded in the Patent and Trademark Office at Reel 014147/Frame 0049; and
- An assignment from Corvigo, L.L.C. (successor by merger to Corvigo, Inc.) to Tumbleweed Communications Corporation is recorded in the Patent and Trademark Office at Reel 018612/Frame 0930.

The undersigned, whose title is given below, is authorized to act on behalf of the assignee.

MAY 30, 2007  
Date

  
James J. MacDonald  
Vice President & Deputy General Counsel